

## **WEST BOUNTIFUL CITY**

### **ORDINANCE #342-12**

#### ***AN ORDINANCE AMENDING CHAPTER 17.48 OF THE WEST BOUNTIFUL CITY MUNICIPAL CODE ADDRESSING SIGN PROHIBITIONS, ALLOWING TEMPORARY SIGNS IN RESIDENTIAL PARK STRIPS, ELIMINATING TIME RESTRICTIONS ON POLITICAL SIGNS, CLARIFYING ENFORCEMENT AUTHORITY, AND MAKING OTHER MINOR MODIFICATIONS***

**WHEREAS**, the proliferation of temporary signs has made it necessary to review and clarify the restrictions on temporary signs; and

**WHEREAS**, the West Bountiful City Council recognizes the need to minimize potential hazards to motorists and pedestrians and to preserve and improve the appearance of the City while promoting successful businesses and their ability to communicate with the public; and

**WHEREAS**, the West Bountiful City Council recognizes the importance of allowing its residents flexibility in the way they use their property and the property they are responsible for maintaining, such as park strips; and

**WHEREAS**, prohibiting signs in the park strip in commercial zones helps to protect the health, safety and welfare of the public due to high volumes of traffic entering and exiting business areas where visibility may be limited by such signs; and

**WHEREAS**, the rights of way of the two primary commercial streets, 500 South and 500 West, are owned by the State of Utah, making it more difficult and less desirable to modify current regulations; and

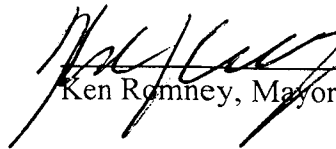
**WHEREAS**, the West Bountiful City Council recognizes the need to clarify the City's authority to enforce the code, assess fines, and confiscate illegal signs; and

**WHEREAS**, the West Bountiful City Planning Commission held a public hearing, after proper notice, on September 15, 2011, and received no objection to the proposed changes.

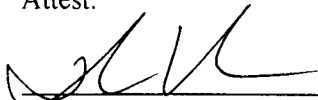
***NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF WEST BOUNTIFUL CITY, UTAH THAT CHAPTER 17.48 OF THE WEST BOUNTIFUL MUNICIPAL CODE BE AMENDED AS INDICATED IN THE ATTACHED EXHIBIT A.***

This ordinance will become effective upon signing and posting.

Passed, Approved, and Adopted this **1st day of MAY, 2012.**

  
Ken Romney, Mayor

Attest:

  
Heidi Voordeckers, City Recorder



Voting by the City Council:    Aye    Nay

Councilmember Ahlstrom	<u>  X  </u>	<u>      </u>
Councilmember Bruhn	<u>      </u>	<u>  X  </u>
Councilmember McKean	<u>  X  </u>	<u>      </u>
Councilmember Preece	<u>  X  </u>	<u>      </u>
Councilmember Tovey	<u>  X  </u>	<u>      </u>

## **Chapter 17.48 SIGNS**

### Sections:

17.48.010 Short title.

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17.48.090 Nonconforming signs.

17.48. 100 Violation, Penalty, Authority to Enforce.

### **17.48.010 Short title.**

The regulations contained in this chapter shall be known and may be cited as sign regulations of the land use code of the City, or sign code.

### **17.48.020 Purpose.**

The purpose of the sign regulations set forth in this chapter shall be to minimize potential hazards to motorists and pedestrians; preserve and improve the aesthetic appearance of the city as a place in which to live and to work, and as an attraction to non-residents who come to visit or trade by reducing or prohibiting signage that is overbearing and creates visual clutter; encourage signs which, by their design, are integrated with and harmonious to the buildings and sites which they occupy; encourage sign legibility through the elimination of excessive and confusing sign displays; and reduce driver distraction.

These regulations are also intended to safeguard and enhance property values; to promote successful business; to protect public and private investment in buildings and open spaces; and to promote the public health, safety and general welfare.

These regulations will allow residents flexibility in the way they use their property and the property they are responsible to maintain; keep temporary signs out of the public right of way, including park strip in commercial zones because of the high volume of traffic entering and exiting business areas where visibility may be limited and because the rights of way of the two primary commercial streets are owned by the State of Utah; supplement and be a part of the regulations imposed and the plan set forth under the zoning ordinances of the city; and clarify the city's authority to enforce the code, assess fines and confiscate illegal signs.

#### **17.48.030 Scope.**

The provisions set forth in this chapter recognize the unique interests to be balanced in regulating signs in a manner that is fair, comprehensive, and enforceable, allowing West Bountiful City to create and maintain a safe and aesthetically pleasing atmosphere, while allowing business and other interests to communicate with the public.

This chapter shall not relate to building design. Nor shall this chapter regulate official traffic or government signs; the copy and message of signs, except legally prohibited obscenity; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

#### **17.48.040 Definitions**

**"Banner or Pennant"** means any cloth, bunting, plastic, paper, or similar material used for temporary commercial or home sale advertising purposes attached to, or appended on or from, any structure, staff, pole, line, framing or vehicle.

**"Billboard"** means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

**"Name Plate"** means a non-illuminated identification sign, attached to the main building on a lot, which gives only the name, address, and/or occupation of the occupant or occupants of a dwelling.

**"Nonconforming sign"** means a sign which was legally installed under laws or ordinances in effect prior to the effective date of the title or subsequent revisions, but which is in conflict with the provisions of this title.

**“Off-premise sign”** means a sign which directs attention to a product, use, commodity, event, or service not related to the property on which the sign is located.

**“Sign”** means a presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also, any lighting systems, attachments, ornaments or other features used to draw the attention of observers.

**“Sign area”** means the entire background area of a sign upon which copy could be placed. In computing the area of a sign background, only the face or faces which can be seen from one direction at one time shall be counted. The supporting incidental structure of the sign shall not be used in computing sign area.

**“Snipe signs”** means signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way, except as specifically allowed under this chapter.

**“Temporary signs”** means any sign, balloon, banner, pennant or advertising display which is not permanently mounted and has not been included as part of a building permit.

**“Wall Sign”** means a sign attached to and parallel with the exterior wall or windows of a building, extending not more than twelve (12) inches from such wall, and having messages or copy on the front side only.

**“Window Sign”** means any sign installed or painted upon a window for the purpose of being viewed from the outside of the premises.

#### **17.48 .050 General provisions.**

- A. It is unlawful for any person to erect, place or maintain a sign in the city of West Bountiful except in accordance with the provisions of this chapter.
- B. All signs erected hereafter in the City shall comply with the current standards of the National Electrical code, current adopted building code, and this sign code.
- C. Unless otherwise provided by this title, all signs shall require permits and payment of fees as specified periodically by resolution of the city council. Application for permits shall be made to the zoning administrator upon a form provided by the City. No permit is required for maintenance of a lawfully existing sign or for a change of copy on a lawfully existing painted, printed or changeable copy signs.

- D. All signs shall be properly maintained in good condition. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The zoning administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the current adopted building code and sign code.
- E. The City reserves the right to grant or deny any sign permit application, revoke any sign permit, or remove any non-permitted sign it deems to be in violation of any provision of this sign code.

#### **Section 17.48.060 Prohibited signs.**

The purpose of prohibiting signs listed in this section is to protect the health, safety and welfare of the people of the city, to minimize traffic hazards and distraction, and to promote beneficial community appearance. Therefore, notwithstanding any provision of this chapter to the contrary, the following signs shall not be permitted, erected, or maintained within the city:

- A. Signs located in a public street right of way or on public property except for signs specifically permitted under this chapter.
- B. Signs on private property less than three (3) feet from a State road right of way.
- C. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description.
- D. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
- E. Signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
- F. Strings of light bulbs not approved as part of a permanent sign, used in connection with commercial premises for commercial purposes, other than traditional holiday decorations during the holiday season.
- G. Signs that emit, or are designed to emit, by any means, a sound intended to attract attention.
- H. Signs that involve the use of live or preserved animals.
- I. Snipe signs, handbills or signs attached to trees, telephone/utility poles, public benches, streetlights or any other public property, except as specifically allowed under this chapter.
- J. Any sign not pertinent to the permitted use on the property where located, except as specifically allowed under this chapter.

- K. Signs mounted on, attached to or painted on motor vehicles, trailers or boats when:
  - 1. Used as additional advertising on or near business premises,
  - 2. Not used in conducting a business or service, or
  - 3. Used in a way not associated with normal business operations or vehicle parking procedures.
- L. Roof-mounted signs or signs which project above the highest point of the roof line or fascia of the building unless specifically permitted in Section 17.48.080 of this Code.
- M. Off-premise advertising signs.
- N. Billboards, except for those existing prior to the adoption of this chapter, as may be allowed under Utah State law.
- O. Any sign that appeals to or advertises a sexually-oriented business.
- P. Commercial and business signs in residential and agricultural zones. Specific exceptions may be granted when a conditional use permit has been issued pursuant to the provisions of this title.
- Q. Any sign or sign structure which:
  - 1. Seven (7) days or more after the premises on which the sign is located has been vacated, advertises an activity, use, business, product or service no longer produced or conducted upon such premises. If the sign is covered or the identifying symbols or letters are removed, the City, upon good cause shown, may grant an extension of time to remove the sign. This provision shall not apply to permanent signs accessory to businesses that are open only on a seasonal basis, provided a clear intent to continue operation of the business is shown;
  - 2. Is installed or erected in or projects into or over any public right-of-way, except in the case of a sign for which a permit has specifically been issued or specifically is not required under this chapter;
  - 3. May constitute a hazard to safety or health by reason of inadequate installation or maintenance, or dilapidation;
  - 4. In any way interferes with, obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign;
  - 5. Makes use of the words "STOP," "DANGER," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead, or confuse traffic;
  - 6. Obstructs free and clear vision at the intersection of any streets;

7. In its design or operation creates unsafe glare or an unsafe distraction for motor vehicle operators;
  8. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare; or
  9. Obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
- R. Any sign not in compliance with the provisions of this chapter and/or any applicable provision of this title.

**17.48.070 Signs not requiring permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- A. A single construction sign of sixteen (16) square feet or less so long as it complies with zoning setbacks. Sign cannot be installed more than 15 days prior to commencing construction and must be removed 30 days following completion of construction.
- B. Directional/information signs of nine square feet or less that comply with other sections of this chapter.
- C. Holiday or special events decorations that comply with other sections of this chapter.
- D. A single non-illuminated name plate per occupancy per building face attached to the building, not to exceed two square feet in area.
- E. Political signs - Non-illuminated campaign signs or other political signs not to exceed sixteen (16) square feet per lot. Campaign signs and other political signs may be placed only on private property with the consent of the property owner; or, in residential and agricultural zones, in the park strip within the public street right-of-way with the consent of the person responsible for maintaining the landscaping of the park strip. Any sign in the park strip shall not exceed four (4) square feet in area or three (3) feet in height (including post), and may not be placed in any location that creates a vehicular or pedestrian traffic visibility hazard.
- F. Public signs or notices, or any sign relating to an emergency.
- G. Real estate signs - A single non-illuminated sign per parcel not to exceed twelve (12) square feet in area. Such signs may be placed on private property with the consent of the property owner; or, in residential and agricultural zones, in the park strip within a



public street right-of-way with the consent of the person responsible for maintaining the landscaping of the park strip; and must be removed fifteen (15) days following the sale, rental, or lease of the real estate involved. Any sign in the park strip shall not exceed four (4) square feet in area or three (3) feet in height (including post), and may not be placed in any location that creates a vehicular or pedestrian traffic visibility hazard.

- H. Window signs except those prohibited in Chapter 5.28.050 (Home Occupation) and elsewhere in this title.
- I. Temporary signs located on private property with the consent of the property owner; or, in residential and agricultural zones, in the park strip within a public street right-of-way with the consent of the person responsible for maintaining the landscaping of the park strip, installed or displayed for less than ninety (90) days in a twelve (12) month period that comply with all other zoning regulations. Such signs are subject to the following restrictions:
  - 1. Sign area shall not exceed nine (9) square feet in the A-1, R-1-10 and R-1-22 Zones.
  - 2. Sign area shall not exceed sixteen (16) square feet in the B-U, C-N, C-G, C-H, L-I and I-G Zones.
  - 3. Sign may not be placed in any location that creates a vehicular or pedestrian traffic visibility hazard.
  - 4. Signs in the park strip shall not exceed four (4) square feet in area or three (3) feet in height (including post).

**17.48.080 Signs requiring a permit.**

- A. The following signs require a sign permit in all zones:
  - 1. A single non-illuminated sign for each street frontage of a construction project, with a maximum forty-eight (48) square feet in sign area in residential zones or sixty-four (64) square feet in sign area in all other zones. Such signs may be erected sixty (60) days prior to beginning of construction and shall be removed within thirty (30) days following the completion of construction;
  - 2. Temporary signs and banners supporting non-profit sports organizations, which organizations are granted an exclusive seasonal permit for the placement of signs, may be placed at City owned recreational areas and shall conform to the following requirements:

- a. Temporary signs and banners shall be no more than twenty-four (24) square feet in area.
- b. Temporary signs and banners shall be attached to existing fencing or structures. No independent form of anchorage shall be allowed.
- c. Temporary signs and banners shall not be connected electrically, illuminated, flash, blink, spin, rotate, or block visibility of vehicles entering streets or parking areas.
- d. Temporary signs and banners shall be anchored or attached to prevent detachment by the wind but shall also be designed with wind-pressure relief holes to prevent damage to the supporting fence.
- e. Temporary signs or banners shall be allowed for a period not to exceed ninety (90) days within a one-year period.
- f. A permit for temporary signs and banners shall include (a) a diagram of the sign including legends, lettering and artwork, (b) the location of the sign or banner, and (c) the location of adjacent signs or banners.

B. Signs which require a permit in residential zones A-1, R-1-22 and R-1-10:

1. One subdivision identification sign per street frontage or entrance, not to exceed forty-eight (48) square feet in area in each location. A subdivision sign may be left for one year following the completion of the subdivision warranty period or the sale of the last lot, whichever date occurs first;
2. One non-illuminated identification sign per entrance to a subdivision, apartment or condominium complex, not to exceed forty-eight (48) square feet in area; and
3. Directional/informational signs per lot that exceed nine square feet;

C. Signs which require a permit in commercial and industrial zones B-U, C-N, C-G, C-H, L-I and I-G:

1. One free-standing sign for each street which the property has frontage on, not to exceed one square foot in area for each lineal foot of property frontage, up to a maximum area of one hundred twenty (120) square feet. Such signs, shall not exceed a maximum total height of twenty-five (25) feet and must be set back at least two feet from property lines. Free-standing signs shall maintain a minimum clearance of ten (10) feet over any pedestrian use and fourteen (14) feet over any vehicular way;

2. Wall signs or electric awning signs which in total combined area do not exceed fifteen (15%) percent of aggregate area of building elevation on which the signs are installed;
3. One roof sign may be allowed when no other sign types can provide effective identification. The area of the roof sign shall be included as part of the area allowed for wall signs. Roof signs shall be constructed so as to conceal all structures and fastenings. The height of the roof sign shall not exceed twenty (20%) percent of the total height of the building to which it is attached;
4. On properties consisting of more than three acres and on which are located five or more businesses, a business directory sign may be used in place of a freestanding sign as described in Section 17.48.110(A). A business directory sign shall have a maximum sign area of two hundred fifty (250) square feet, and a maximum height of thirty-five (35) feet. Such signs must be set back at least two (2) feet from property lines;
5. For properties located within one hundred fifty (150) feet of the Interstate (I-15) freeway right-of-way, one freeway-oriented sign may be permitted. The principal purpose of such signs must be to address freeway traffic. A freeway-oriented sign shall have a maximum sign area of two hundred fifty (250) square feet and a maximum height of sixty (60) feet. The edge of such signs must be set back at least two feet from property lines;
6. Portable and temporary signs that are to be used for a period exceeding ninety (90) days in a calendar year;
7. Inflatable objects that are associated with a "grand opening" or "special event or holiday." Approval of an inflatable object will be at the zoning administrator's discretion based on size, content, impact to traffic and safety. The maximum time for any approved inflatable shall be thirty (30) days; and
8. Flags, streamers, wind signs, banners and other devices designed to wave or flap shall be allowed on a temporary basis as part of a "grand opening" or designated "special event or holiday." The maximum permitted time shall not exceed 45 days in a 365 day period.

D. The size restrictions listed in this section are the maximum allowed. Any sign that exceeds the sign area restrictions are prohibited.

**17.48.090 Nonconforming signs.**

Except for billboards, a nonconforming sign shall be exempt from compliance with the provisions of this chapter for a period of months corresponding to the amount of time necessary to recover the owner's original investment, if any, in the sign at the assumed rate of one hundred dollars (\$100.00) per month. After such time, such sign shall be made to conform to such provisions and to any other sign provisions adopted by the city council subsequent to adoption of this chapter, or it shall be removed. Nonconforming billboards shall be exempt from the provisions of this chapter for as long as such use continues unmodified or as otherwise provided in this title or by state law.

**17.48.100 Violation, Penalty, Authority to Enforce.**

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating, causing the violation of, or permitting the violation on property owned by such person, firm or corporation of the provisions of this chapter shall be guilty of a class B misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who violates or causes or permits the violation of this chapter shall be deemed to be guilty of a separate offense for each day during which any portion of any violation is committed, continued or permitted by such person, firm or corporation.

The City shall have authority to enforce this chapter pursuant to any available method, including but not limited to, restitution pursuant to a criminal prosecution, civil penalties, statutory nuisance abatement processes, injunctive relief, administrative fines and any other applicable process.

The zoning administrator or designee shall determine if all signs and the erection, construction, reconstruction, location, placement, extension, enlargement, modification, alteration, restoration, repair and use of all signs are in conformance with this chapter.

In performance of that duty and in addition to the fines and penalties set forth above, the zoning administrator is authorized to review each violation and may:

- A. Revoke any permit for signs found to be in violation of this chapter. Revocation of a sign permit shall not bar any other penalty from being enforced;
- B. Assess fines of five dollars (\$5) per day per square foot for signs in violation of this chapter;
- C. Immediately confiscate any sign or banner installed without a permit or found to be in violation of this chapter.
  - 1. Confiscated signs shall be stored at a location determined by the zoning administrator for a period of seven (7) days during which time the owner or

person having charge, control or benefit of the confiscated sign may redeem the sign after payment of applicable enforcement costs.

- a. There shall be no charge for recovery of a confiscated sign if no previous violation by the owner or agent has occurred.
    - b. Subsequent violations by the owner or agent recovering the sign are subject to enforcement costs of \$25 for the second offense and \$50 for all subsequent violations.
  2. If the sign is not retrieved within seven (7) days, the sign may be disposed of at the City's discretion.
  3. The City shall not be liable for damages incurred to signs as a result of their confiscation or disposal in accordance with this chapter.
- D. In no case shall failure to remove or abate any illegal sign constitute approval by the City of such sign.